

7
CF 13601

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

S.A. No. 58 /2003.

APPELLANTS.
DEFENDANTS.

- : 1. Sanjay Kumar s/o Late Mohit Ram Dewangan, age 33 years.
2. Netram s/o Late Mohitram Dewangan, age 45 years.

Both r/o Kumharpara, Main Road,
Juna Bilaspur, Tehsil & Distt.
Bilaspur, C.G.

P.R. No. 222103

Presented by Shri. Ar. Prasad

dated 24.01.03

V E R S U S.

RESPONDENT.
PLAINTIFF.

: Ramlal @ Sadanlal Dewangan,
aged about 47 years, s/o Nawalsay
Dewangan, r/o Jeet House,
Dewangan Mohalla, Main Road,
Juna Bilaspur, Tehsil & Distt.
Bilaspur, C.G.

SECOND APPEAL UNDER SECTION 100 OF THE CODE OF CIVIL
PROCEDURE.

APPEAL VALUED IN SUM OF RS. 12,600/- AS IN THE LOWER
APPELLATE COURT. COURT FEES PAID RS. 1360/- AS IN
THE LOWER APPELLATE COURT.

आदेश पत्रक

मामला क्रमांक S.A.No. 58/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.06.2003 Shri Ajay Dwivedi, counsel for the appellants. Shri A.P.Dubey, counsel for the respondent. This appeal is directed against the judgment and decree passed in Civil Appeal No.5-A/2002 by the 1st Additional District Judge, Bilaspur affirming the judgment and decree passed by the 5th Civil Judge, Class I, Bilaspur in Civil Suit No.99-A/2002, Ramlal V. Sanjay Kumar & ors. The plaintiff had claimed eviction of the defendants on the grounds contained in Section 12(1)(a), 12(1)(c) and 12(1)(f) of the C.G. Accommodation Control Act, 1961. His claim for eviction under Section 12(1)(a) and 12(1)(c) was negatived. However, his claim for eviction under Section 12(1)(f) was found to have been established and accordingly, a decree for eviction was passed which has been affirmed by the First Appellate Court. In this appeal, I.A.No.5340/2003 has been filed under Order 23 Rule 3 of the Code of Civil Procedure, 1908 stating that the parties have amicably, arrived at a compromise, which be recorded. This application is signed by the appellant No.1-	

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Sanjay Kumar, Appellant No.2-Netram and the respondent-Ramlal Dewangan. The learned counsel for the appellants-Shri A.K.Prasad and the learned counsel for the respondent-Shri A.P.Dubey have also signed this application. The matter has been compromised on the following terms & conditions: - 2. The appellants will hand over the vacant possession of the suit premises to the respondent on 01.01.2004 as the appellants have been given time by the respondent for vacating the suit premises till 31.12.2003 and on that day a receipt of getting vacant possession of the suit premises shall be given by the respondent. 3. The appellants will pay regularly rupee one hundred and fifty per month to the respondent for use and occupation of the suit premises till the delivery of vacant possession of the suit premises to the respondent. 4. Appellants do not press this appeal as the time for vacating the suit premises has been given to them. 5. The appellants and respondent have agreed to bear their own cost of the second appeal."	

- 3 -

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having heard learned counsel and considering the facts and circumstances of the case, the Court feels that the compromise is bona fide and should be accepted. Accordingly, the appeal is dismissed in terms of the compromise referred to above. However, execution shall not be levied before 01.01.2004 if the term regarding payment of Rs.150/- is complied with. Consequently, I.A.No.5340/2003 is allowed. In the above view of the matter, while affirming the decree of the Courts below, it is directed that subject to payment of Rs.150/- for use and occupation of the premises in question, the appellants/tenants shall not be evicted before 01.01.2004 on which date they shall deliver vacant and peaceful possession to the respondent/landlord. On failure to do so, the landlord shall be free to execute the decree and obtain possession of the premises in accordance with law. In view of the above, M.(C).Ps.No.115/2003 & 477/2003 and I.As.No.711/2003 & 2786/2003 stand disposed of. Certified copy as per rules.	

Sd/-

P.C. Naik
Judge

Arijani

[पीछे देखिये]